

# Exhibit F

**In the Matter of:**

**Turing Pharmaceuticals & Impax Laboratories**

*September 26, 2019*

*Akeel Mithani*

**Condensed Transcript with Word Index**



**For The Record, Inc.**

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## Turing Pharmaceuticals &amp; Impax Laboratories

9/26/2019

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<p>1 FEDERAL TRADE COMMISSION</p> <p>2</p> <p>3 TURING PHARMACEUTICALS, )</p> <p>4 a corporation, )</p> <p>5 and ) Matter No.</p> <p>6 IMPAX LABORATORIES, ) 161-0001</p> <p>7 a corporation. )</p> <p>8 -----)</p> <p>9</p> <p>10 Thursday, September 26, 2019</p> <p>11</p> <p>12 Room 7104</p> <p>13 Federal Trade Commission</p> <p>14 400 7th Street, S.W.</p> <p>15 Washington, D.C. 20024</p> <p>16</p> <p>17 The above-entitled matter came on for</p> <p>18 investigational hearing, pursuant to notice, at</p> <p>19 9:00 a.m., for the testimony of:</p> <p>20</p> <p>21</p> <p>22 AKEEL MITHANI</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (continued):</p> <p>2 ALSO PRESENT: Jimmy Fang, Esq. - Deputy General</p> <p>3 Counsel Vyera</p> <p>4 Anusha Sunkara, FTC Law Clerk</p> <p>5 Arindam Ghosh, Ph.D. - FTC Economist</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES:</p> <p>2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:</p> <p>3 NEAL PERLMAN, ESQ.</p> <p>4 DANIEL BUTRYMOWICZ, ESQ.</p> <p>5 Federal Trade Commission</p> <p>6 600 Pennsylvania Avenue, Northwest</p> <p>7 Washington, D.C. 20580</p> <p>8 (202) 326-3692</p> <p>9 nperلمان@ftc.gov</p> <p>10 ON BEHALF OF VYERA PHARMACEUTICALS</p> <p>11 AND THE WITNESS:</p> <p>12 MICHAEL WEINER, ESQ.</p> <p>13 SAMUEL W. STELK, ESQ.</p> <p>14 Dechert LLP</p> <p>15 1095 Avenue of the Americas</p> <p>16 New York, New York 10036-6797</p> <p>17 (212) 698-3608</p> <p>18 michael.weiner@dechert.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 Akeel Mithani</p> <p>4 By Mr. Perlman . . . . . 7</p> <p>5 By Mr. Weiner. . . . . 231</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBIT DESCRIPTION PAGE</p> <p>10 GX1016 Board meeting minutes, Bates stamped . . . 58</p> <p>11 FTX-Vyera00660112 to FTC-Vyera00660124</p> <p>12 GX3000 E-mail with attachments, Bates stamped . . 94</p> <p>13 FTC-FERA-00001472 to FTC-FERA-00001490</p> <p>14 GX1110 E-mail with attachemnet, Bates stamped . .114</p> <p>15 FTC-Vyera00224587 to FTC-Vyera00224588</p> <p>16 GX1101 E-mail chain, Bates stamped . . . . .118</p> <p>17 FTC-Vyera-117383 to FTC-Vyera-117387</p> <p>18 GX1109 E-mail chain, Bates stamped . . . . .135</p> <p>19 FTC-Vyera000162272 to FTC-Vyera000162274</p> <p>20 GX1107 E-mail chain, Bates stamped . . . . .146</p> <p>21 FTC-Vyera00120007 to FTC-Vyera 00120009</p> <p>22 GX1113 E-mail chain, Bates stamped . . . . .150</p> <p>23 FTC-Vyera00516596 to FTC-Vyera00516597</p> <p>24 GX1112 E-mail chain, Bates stamped . . . . .159</p> <p>25 FTC-Vyera00516585 to FTC-Vyera00516588</p>

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1 A Yes.  
 2 **Q Did you communicate with Mr. Shkreli**  
 3 **before he was incarcerated?**  
 4 A Yes.  
 5 **Q How often?**  
 6 A I can't tell you. Maybe once a week.  
 7 **Q How did you communicate with him?**  
 8 A Cell phone or in-person meetings.  
 9 **Q Texting?**  
 10 A In-person meetings.  
 11 **Q Texting?**  
 12 A No.  
 13 **Q No?**  
 14 A It was largely just calling.  
 15 **Q Calling on the cell phone?**  
 16 A Or in-person meetings.  
 17 MR. WEINER: What period of time are you  
 18 talking about?  
 19 THE WITNESS: Before incarceration.  
 20 MR. WEINER: And after? We talked about  
 21 earlier before when you were at the company you  
 22 were --  
 23 MR. PERLMAN: Sure. I can clarify, yeah,  
 24 sure.  
 25 BY MR. PERLMAN:

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1 **Q So I'm talking about the time from when**  
 2 **you started at Vyera until he was incarcerated.**  
 3 **We're clear?**  
 4 A Yeah.  
 5 **Q So you talked to him once a week after you**  
 6 **joined --**  
 7 A Yeah, sounds about right.  
 8 **Q -- until he -- Okay.**  
 9 **And you talked to him by phone?**  
 10 A Yeah.  
 11 **Q And you talked to him in person?**  
 12 A Yeah.  
 13 **Q Where would you meet him?**  
 14 A At a bar close by or at his apartment.  
 15 **Q Where is his apartment?**  
 16 A It was a block away from our office.  
 17 **Q Where is your office?**  
 18 A Thirty-ninth and Third.  
 19 **Q Other than the phone calls and in-person**  
 20 **meetings, did you communicate with Mr. Shkreli in**  
 21 **any other way after you joined Vyera, before he was**  
 22 **incarcerated?**  
 23 A Sure. I'm sure there were e-mails or  
 24 texts, but I don't recall specific ones.  
 25 **Q Did you e-mail him from your personal**

79

1 e-mail?  
 2 A Sure.  
 3 **Q Did you e-mail him from your personal**  
 4 **e-mail about Vyera-related business?**  
 5 A Maybe.  
 6 **Q During that time period are you aware**  
 7 **whether anyone else from Vyera communicated with**  
 8 **Mr. Shkreli?**  
 9 A I would assume Kevin did, but I think that  
 10 would be it.  
 11 **Q No one else?**  
 12 A I'm sure there were people, but I don't  
 13 want to speak on their behalf.  
 14 **Q Are you aware whether other people**  
 15 **communicated with Mr. Shkreli?**  
 16 A I'm not aware.  
 17 **Q After Mr. Shkreli was incarcerated, did**  
 18 **you communicate with him at all?**  
 19 A Yeah.  
 20 **Q How often?**  
 21 A It depends. It would sometimes be once a  
 22 week, sometimes once a month, sometimes once every  
 23 two months.  
 24 **Q How would you communicate with Mr. Shkreli**  
 25 **after he was incarcerated?**

80

1 A CorrLinks, calls.  
 2 **Q What was the first thing?**  
 3 A CorrLinks. It's an inmate messaging sort  
 4 of e-mail service.  
 5 **Q What would you discuss?**  
 6 A From everything from rap music largely to  
 7 how he's doing, and he would sometimes forward BD  
 8 ideas and stock ideas.  
 9 **Q Would you act on those BD ideas?**  
 10 A I didn't really think very highly of his  
 11 BD ideas because the company didn't have that much  
 12 money to do the ideas that he was talking about.  
 13 **Q Did Vyera ever act on any of his BD ideas?**  
 14 A Yeah, we looked at it. Nothing came  
 15 substantial of it.  
 16 **Q So other than the CorrLinks, how else did**  
 17 **you communicate with Mr. Shkreli in prison, if at**  
 18 **all?**  
 19 A He would call me.  
 20 **Q Call you using what phone?**  
 21 A The prison phone.  
 22 **Q What's your cell phone number?**  
 23 A Cell phone number is [REDACTED]  
 24 [REDACTED]  
 25 **Q I think you're missing a digit?**

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[illegible]

25 Before you became a board member -- let me

84

**Q** Have you ever asked anybody to mail anything to Mr. Shkreli?

25 A Sure. He was helping out with BD at the

85

1 time.

2 Q What did he say?

3 A I don't recall.

4 Q After Mr. Shkreli went to prison, did he  
5 communicate with you about Daraprim?

6 A Yeah.

7 Q What did he say?

8 A I don't recall, but it's normal  
9 shareholder -- just because he's incarcerated  
10 doesn't stop him from being a normal shareholder.

11 Q Did Mr. Shkreli provide you any advice  
12 related to Daraprim?

13 A I can't recall any.

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1 Q Which friends?

2 A Maureen Lohry when she was still around.

3 Q Who else?

4 A Dan Fennessy when he was still around.

5 Q Who else?

6 A I can't think of any others offhand.

7 Q Who were the lawyers that you communicated  
8 with?

9 A I feel like it changed over time, but  
10 lawyers I spoke with, I think the firm is Edward  
11 King.

12 Q Edward King?

13 A Yeah.

14 Q Did you communicate with Benjamin Brafman  
15 on behalf of Mr. Shkreli?

16 A I communicated with one of the associate,  
17 Andrea at Brafman Associates, not him, Brafman  
18 himself.

19 Q What's Andrea's last name?

20 A Zellan.

21 Q What was your the nature of your  
22 communication with Ms. Zellan?

23 MR. WEINER: I need to -- was Ms. Zellan  
24 ever a lawyer for you or the company?

25 THE WITNESS: No.

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1 MR. WEINER: Okay.